

REMARKS

In the foregoing amendments, claims 1 and 2 were amended to define that the locking means locks the bending mechanism at any adjusted position, so as to hold a curvature of the wavelength selection element constant against a mechanical shock applied to the optical resonator. This aspect of applicant's claimed invention is described on page 3, lines 20 and 21, and elsewhere in the present specification disclosure. Editorial amendments were made to claims 3 and 4. Claims 5 and 6 were added to the application, which define that the adjusted position can be adjusted at a nanometer level of measurement. This is described in applicant's specification disclosure at page 4, lines 4-10. Accordingly, claims 1-6 are in the application for consideration by the examiner.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. patent No. 4,022,523 of Lindonen *et al.* (Lindonen) in view of U.S. patent No. 3,579,839 of Kowalski (newly cited). The teachings of Lindonen were distinguished from the presently claimed invention in the response filed on May 24, 2004. The Official action acknowledged that Lindonen does not show a locking means as set forth in applicant's claims. The teachings of Kowalski were cited to rectify this deficiency in the teachings of Lindonen.

Applicant respectfully submits that the teachings of Lindonen and/or Kowalski do not disclose or suggest the presently claimed invention within the meaning of 35 U.S.C § 103(a) for at least the following reasons. Applicant respectfully submits that the teachings of Kowalski are directed to a completely

different technological field of invention from the presently claimed invention and from the teachings of Lindonen. Therefore, the teachings of Kowalski cannot possibly motivate one of ordinary skill in the art to modify any structure within the teachings of Lindonen, so as to arrive at the presently claimed invention.

Similarly, applicant respectfully submits that the teachings of Kowalski are not properly combinable with those of Lindonen nor that these teachings can suggest a locking means as required in the present claims. The device proposed by Kowalski is an archery bow sight and the adjustment/locking mechanism proposed therein is very crude and is not appropriate for use in conjunction with the optical resonator as presently claimed or the adjustable focal length cylindrical mirror assembly proposed by Lindonen. Referring to figure 4 and the description at column 3, lines 42-59, of Kowalski, the adjustment/locking mechanism as proposed therein includes a knob 50 having a bore therein which receives a spring-loaded ball bearing assembly 54. The spring-loaded bearing assembly is adapted to cooperate with a detent 56 provided in the upper surface of the flange member 36. The knob 50 and screw 48 are held against inadvertent rotation when spring-loaded ball bearing assembly 54 is in one of the detents 56. Kowalski proposes that any number of detents 56 may be provided around the axis of the screw 48, the greater the number of detents, the more accurate and precise the angular positioning of the screw 48. However, due to the fact that the teachings of Kowalski require the use of detents, the amount of adjustment is limited by the spacing between

the centers of the detents and certainly could not contemplate or suggest that the locking means locks the bending mechanism at any adjusted position so as to hold a curvature of the wavelength selection element constant against a mechanical shock applied to the optical resonator, as required in amended claims 1 and 2.

By virtue of the detent structure in Kowalski, one of ordinary skill in the art would not be motivated to use such a crude adjustment/locking mechanism for an optical resonator as presently claimed or in the device proposed by the teachings of Lindonen. The device proposed by Kowalski could never provide an adjustment at a nanometer level or adjustment to any position, as required in the presently claimed invention.

Applicant's claimed invention is directed to extremely fine adjustments at a nanometer level of measurement. This is defined in new claims 5 and 6. This type of adjustment is useful in the device of applicant's claims. However, the crude adjustment inherent in the adjustment/locking mechanism proposed by Kowalski is not appropriate in the presently claimed invention or the device proposed by Lindonen. Therefore, one of ordinary skill in the art would not be motivated to modify the teachings of Lindonen by those of Kowalski.

One of ordinary skill in the art would not combine the teachings of Lindonen and Kowalski for additional reasons. For example, the device proposed by Kowalski necessarily requires that the alleged adjustment/locking mechanism, such as shown in figure 4 therein, is a single device. This arrangement is contrary to the limitation in present claim 1 that requires the

locking means and bending mechanism are separate structures. The device of Kowalski cannot be modified to separate the integrated adjustment and locking mechanism as proposed therein, because such a modification would destroy the teachings of Kowalski. *In re Randol and Redford*, 165 USPQ 586 (CCPA 1970); *Ex parte Thompson*, 184 USPQ 558 (PTO Bd. Pat Apps. & Interf. 1974); *Ex parte Hartman*, 186 USPQ 336 ((PTO Bd. Pat Apps. & Interf. 1976).

Therefore, it is improper to take an isolated portion from the teachings of Kowalski, such as only the locking mechanism, and add such a teaching to those proposed by Lindonen, so as to arrive at the presently claimed invention.

For the foregoing reasons, applicant respectfully submits that the teachings of Lindonen, either alone or combined with those of Kowalski, do not contemplate or suggest the presently claimed invention within the meaning of 35 U.S.C § 103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

The foregoing is believed to be a complete and proper response to the Official action mailed August 12, 2004. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC

A handwritten signature in black ink, appearing to read "R. Eugene Varndell, Jr.", is written over a horizontal line. A large, loopy flourish extends from the end of the signature, crossing over the text below.

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